

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

THE UNITED STATES OF  
AMERICA,

Plaintiff,

vs.

GARY A. DAWSON,  
RODNEY P. DAWSON, and  
KAY S. DAWSON, Individually  
or as Executrix of the Estate of  
JOHN W. DAWSON, JR.,  
Deceased,

Defendants.

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Civil Action No.:

5:17-CV-501 (MTT)

**JOINT MOTION TO STAY DISCOVERY, DEFER REPORT  
ON STATUS OF DISCOVERY, AND EXTEND DISCOVERY**

**COME NOW**, the Parties in the above captioned case by and through  
their undersigned attorneys and move the Court as follows:

1. The action of the Court which the Parties seek hereby is an  
Order,

(a) staying discovery for a period of sixty (60) days,

(b) deferring for the same period a response to the Court's ECF

11 Discovery Order Memorandum eliciting a discovery status report,

and

(c) extending discovery, if it is resumed, for a period of sixty (60) days.

2. In explanation and support of their foregoing requests the Parties convey to the Court that they have interrupted and foregone discovery in the case virtually from the outset because almost immediately it was realized that there were areas of compromise possible under which settlement was very possibly achievable.

3. Further, the Parties have acted on those settlement possibilities in tangible ways. For example, on June 28, 2018, after tacit agreement on certain technical matters, a survey of the area which includes the navigation facility of the United States and the irrigation system of the Defendants was conducted and certain limits and physical points established.

4. Next, however, if further progress is to be achieved toward settlement, certain tests, including multiple flights of aircraft, must be conducted to make determinations on possible resumed functioning of the navigation facility. Assuming the next steps, beyond the tests, are reached, the establishment of certain physical monuments will be necessary before finalization.

5. The Parties hope and expect that the foregoing steps in accomplishment of determining the feasibility of settlement can be

completed within the time requested herein, sixty (60) days, and the case can be concluded based thereon.

6. It is only against the possibility that settlement is revealed to be unachievable that the Parties make the alternative request, first that a discovery status report only be required in the event settlement is not achieved, with it being due the sooner of the end of the 60 days sought herein or within one week of it becoming apparent to the Parties that settlement will not be reached. Coupled with that request, the Parties would request that discovery not be resumed until submission of the discovery status report and that the time for discovery be extended for sixty (days).

**JOINTLY MOVED** the 5th day of July, 2018.

**The Parties certify that they have jointly arrived at the foregoing and that each concurs in the form and content thereof, including the affixation hereto of their electronic signatures, each having signed an original hereof and each consenting to the filing hereof.**

CHARLES E. PEELER  
UNITED STATES ATTORNEY  
MIDDLE DISTRICT OF GEORGIA  
ATTORNEY FOR THE  
UNITED STATES OF AMERICA

WILLIAM P. HORKAN  
JAMES BATES BRANNON  
GROOVER LLP  
ATTORNEYS FOR THE  
DEFENDANTS

By: /s/ Stewart R. Brown  
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### **CERTIFICATE OF SERVICE**

This is to certify that on the 5th day of July, 2018, I electronically filed the above and foregoing Joint Motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Stewart R. Brown, Esq.  
Assistant United States Attorney

I also certify that I have mailed by the United States Postal Service the document and a copy of the Notice of Electronic Filing to the following non-CM/ECF participants:

N/A.

/s/ William P. Horkan  
Georgia Bar No. 940306  
Attorney for Defendants